

City of Gloucester

City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930
Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, October 4, 2010 – 6:30 p.m.
1st Fl. Council Conference Rm. – City Hall

AGENDA

1. Continued Business:

- A) CC2010-036 (Tobey) (a) Rescinding for FY12 Budget Cycle the CSO debt shift enacted on May 25, 2010, and (b) instituting a stormwater fee system pursuant to the ordinance enacted September 2009 (Cont'd from 08/09/2010)
- B) CC2010-061 (Hardy) Enact Ordinance as required by Ch. 217 of the Acts of 2010 re: Linkage Exaction Program

2. Appointments:

Open Space and Recreation Committee	TTE 02/14/2012	Patty Amaral
Zoning Board of Appeals	TTE 02/14/2011	Michael Nimon

3. Schedule for a Comprehensive Salary Review of Non-Union Senior Managers (and other non-union employees as necessary) (Referred by City Council 8/31/10)

COMMITTEE:

Councilor Sefatia Theken, Chair
Councilor Ann Mulcahey, Vice Chair
Councilor Bruce Tobey

Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

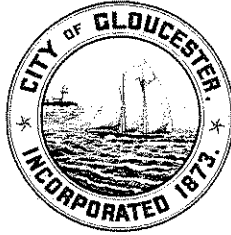
CC: Mayor
Jim Duggan
Linda T. Lowe
Suzanne Egan
Michael Hale
Nancy Papows
David Bain

CITY CLERK
GLOUCESTER, MA
10 SEP 30 AM 8:36

**CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Meeting
of
Monday, October 4, 2010**

For items listed under #1) Unfinished Business, not found in this agenda packet, back up information was presented in previous agenda packets and can be found on the City website under City Council Standing Committee Agenda Packets or on file in the City Clerk's Office.

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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

To: Sefatia Romeo-Theken, Chairperson of the Ordinance & Administration Committee

From: Jim Duggan, Chief Administrative Officer

Date: August 7, 2010

Re: Stormwater Regulations and Utility Fees

Attached is a memo from the DPW Director, Mike Hale outlining where we are positioned in developing a fee based stormwater utility and regulations governing stormwater compliance.

As you know, a Team of appropriate city staff has been organized consisting of the following to work on developing a fee structure for the stormwater utility:

- ☐ Jim Duggan, Chief Administrative Officer
- ☐ Jeff Towne, Chief Financial Officer
- ☐ Nancy Papows, Principal Assessor
- ☐ Suzanne Egan, General Counsel
- ☐ Michael Hale, DPW Director

Additionally, support staff as includes, Mike Wells and Ellen Carney from IT who are assisting with the GIS and billing capacity of Unifund. As regularly scheduled stormwater utility meeting are resurrected, the Chair's of the Budget & Finance and Ordinance & Administration Committee's will be invited to attend.

The Team feels we could have the ordinance and regulations before the appropriate approving body within the next eight weeks. During this time, the decision on the fee structure will need to be determined. I would suggest a workshop to run scenarios on the various formulas and present the findings at a one-item joint O&A and B&F Committees meeting on October 4th.

Thank you

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CITY OF GLOUCESTER

DEPARTMENT OF PUBLIC WORKS

Memorandum

Date: 4 August 2010

To: James Duggan, Chief Administrative Officer

From: Michael B. Hale, Director of Public Works

Re: **Stormwater Regulations and Utility Fees**

Since our last report to the Gloucester City Council, the DPW has submitted a draft of an illicit discharge/connection ordinance to General Counsel for Attorney Egan's review (**Attachment 1**). The intent of this ordinance is to prohibit sanitary sewer connections or other permitted discharges to a municipal stormwater collection system. Currently, the city has an ordinance (Sec. 23-37(b)) prohibiting the connection of stormwater to the sanitary sewer (**Attachment 2**). This is critical in managing our stormwater infrastructure and protecting the receiving waters at the various discharges.

A stormwater management regulation is in draft form and has been distributed to the Team and to Community Development and Inspectional Services for review (**Attachment 3**). Under the EPA NDPES Phase II stormwater permit, the city needs a comprehensive stormwater management regulation. At present, the city has a Drainage and Grading Regulation and the Planning Board/Community Development Department directs applicants to Appendix A1 of the Subdivision Regulations for stormwater management guidance (**Attachment 4**). In order to properly manage a stormwater utility, we must have a strong guidance document prescribing the rules and defining the terms. The intent of the proposed document is to have the Planning Board enforce the content for new development, while other Boards, Committees and Commissions will turn this document for guidance in permitting. This would include simple by-right building project to major projects permitted by the city council.

Through the city's GIS Program, we have been able to identify some basic characteristics of the city's imperviousness. The information is five (5) years old, but development trends have not changed dramatically enough to discount the data. Based on the 2005 data, the imperviousness by classification is as follows:

- ☐ Commercial = 25.65%
- ☐ Open space = 11.00%
- ☐ Other = 13.85%*
- ☐ Residential = 49.52%

* Other is classified as semi-improved lands and urban public institutional. All percentages will need to be verified to the best fit under use codes. For example, under *Other*, a classification of 4.24% is listed as very low density development. This should likely be moved to *Residential*.

Based on the data, nearly 50% of any proposed stormwater utility fee will be charged to residential units. Of that fifty percent, 3/5th of the total is attributed to multifamily and high-density residential units.

The fee structure has yet to be determined, flat fee or based on the imperviousness percentages. In addition, we will need to decide whether to differentiate multifamily residential units from single-family units or classify them under some alternative structure.

CITY OF GLOUCESTER, MASSACHUSETTS
STORM WATER MANAGEMENT ORDINANCE

ARTICLE I

Non-Stormwater Discharges

- § 156-1. Purpose.
- § 156-2. Definitions.
- § 156-3. Applicability.
- § 156-4. Authority.
- § 156-5. Responsibility for administration.
- § 156-6. Regulations.
- § 156-7. Prohibited activities.
- § 156-8. Exemptions.
- § 156-9. Emergency suspension of municipal storm drainage system access.
- § 156-10. Notification of spills.
- § 156-11. Enforcement.
- § 156-12. Severability.
- § 156-13. Transitional provisions.

Non-Storm Water Discharges

Purpose.

- A. Increased and contaminated storm water runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.
- B. Regulation of illicit connections and discharges to the municipal storm drainage system is necessary for the protection of the City's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- C. The objectives of Chapter _____ are:
 - (1) To prevent pollutants from entering the City's municipal separate storm sewer system (MS4);
 - (2) To prohibit illicit connections and unauthorized discharges to the MS4;
 - (3) To require the removal of all such illicit connections;
 - (4) To comply with state and federal statutes and regulations relating to storm water discharges; and
- (5) To establish the legal authority to ensure compliance with the provisions of Chapter _____ through inspection, monitoring, and enforcement.

Definitions.

AUTHORIZED ENFORCEMENT AGENCY — The Director of the Department of Public Works, its employees, officers, or agents are designated to enforce Non-Storm Water Discharges.

BYLAW — Refers to, Storm Water Management Bylaw of the "Bylaws of the City of Gloucester".

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DISCHARGE OF POLLUTANTS — The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the country-region United States or Commonwealth of Massachusetts from any source.

GROUNDWATER — Water beneath the surface of the ground.

ILICIT CONNECTION — A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILICIT DISCHARGE — Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of storm water, except as exempted in. The term does not include a discharge in compliance with a NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE SYSTEM — The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT — A permit issued by United States Environmental Protection Agency, or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORM WATER DISCHARGE — Discharge to the municipal storm drainage system not composed entirely of storm water.

OWNER — A person with a legal or equitable interest in property.

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, soils;

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J. Construction wastes and residues; and

K. Noxious or offensive matter of any kind.

PROCESS WASTEWATER – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

STORM WATER – Storm water runoff, snowmelt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT – A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL OR WASTE – Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch. 21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WASTEWATER – Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

WATERCOURSE – A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH OF MASSACHUSETTS – All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLANDS – Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

Applicability.

Chapter _____ shall apply to flows entering the municipal storm drainage system.

Authority.

Chapter _____ is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to G.L. c. 83, §§ 1, 10, and 16, as amended by St. 2004, c. 149, §§ 135-140, and the regulations of the federal Clean Water Act found at 40 CFR 122.34

Responsibility for administration.

The Authorized Enforcement Agency shall administer, implement and enforce Chapter _____ and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Authorized Enforcement Agency to employees or agents of the Authorized Enforcement Agency.

Regulations.

The Authorized Enforcement Agency may promulgate rules and regulations to effectuate the purposes of Chapter _____. Failure by the Authorized Enforcement Agency to promulgate such rules and regulations shall not have the effect of suspending or invalidating Chapter _____.

Prohibited activities.

- A. **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth of Massachusetts.
- B. **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. **Obstruction of Municipal Storm Drainage System.** No person shall obstruct or interfere with the normal flow of storm water into or out of the municipal storm drainage system without prior written approval from the Authorized Enforcement Agency.

Exemptions.

- A. Discharge or flow resulting from fire fighting activities.
- B. The following non-storm water discharges or flows are exempt from the prohibition of non-storm waters provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:
 - (1) Waterline flushing;
 - (2) Flow from potable water sources;
 - (3) Springs;
 - (4) Natural flow from riparian habitats and wetlands;
 - (5) Diverted stream flow;
 - (6) Rising groundwater;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharge from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing;
- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided verbal notification is given to the Authorized Enforcement Agency prior to the time of the test;
- (14) Non-storm water discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (15) Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

Emergency suspension of municipal storm drainage system access.

The Authorized Enforcement Agency may suspend municipal storm drainage system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Fire and Police Departments, Board of Health, and the Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of

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the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Enforcement.

The Director of the Department of Public Works or appointed designee shall enforce Chapter _____ regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

- A. **Civil Relief.** If a person violates the provisions of Chapter _____ regulations, permit, notice, or order issued there under, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
 - B. **Orders.**
 - (1) The Authorized Enforcement Agency or an authorized agent of the Authorized Enforcement Agency may issue a written order to enforce the provisions of Chapter _____, or the regulations there under, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Performance of monitoring, analyses, and reporting;
 - (c) That unlawful discharges, practices, or operations shall cease and desist; and
 - (d) Remediation of contamination in connection therewith.
 - (2) If the Authorized Enforcement Agency determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
 - (3) Within thirty (30) days after completion by the City of all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the City, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Authorized Enforcement Agency within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Authorized Enforcement Agency affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.
 - C. **Criminal Penalty.** Any person who violates any provision of Chapter _____ regulation, order or permit issued there under, shall be punished by a fine of not more than \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
 - D. **Noncriminal Disposition.** As an alternative to criminal prosecution or civil action, the City may elect to utilize the noncriminal disposition procedure set forth in G.L. Ch. 40, § 21D and adopted by the City as a general bylaw in which case the Authorized Enforcement Agency of the City shall be the enforcing person. The penalty for the 1st violation shall be a written warning. The penalty for the 2nd violation shall be \$50. The penalty for the 3rd violation shall be \$100. The penalty for the 4th and subsequent offenses shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
 - E. **Entry to Perform Duties Under Chapter _____.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary.
 - F. **Appeals.** The decisions or orders of the Authorized Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.
 - G. **Remedies Not Exclusive.** The remedies listed in Chapter _____ are not exclusive of any other remedies available under any applicable federal, state or local law.
- Severability.**
The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.
- Transitional provisions.**
Residential property owners shall have 90 days from the effective date of Chapter _____, of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with Chapter _____ during that period.

Sec. 23-37. Restrictions on use of public sewers.

- (a) *Generally.* All persons discharging sewage into public sewers connected to the city's sewage treatment plant shall comply with applicable requirements of federal and state industrial pretreatment regulations.
- (b) *Stormwater and other unpolluted waters.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the director, to a storm sewer, combined sewer or natural outlet.
- (c) *Hot or alkaline waters and wastes.* No person shall discharge or cause to be discharged heat, as liquid or vapor, in such quantity that the temperature at the city's wastewater treatment facility exceeds one hundred four (104) degrees Fahrenheit or forty (40) degrees Centigrade, or any wastes having a pH in excess of 9.5 pH units.
- (d) *Dangerous, destructive or improper discharges.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, including but not limited to wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21;
 - (2) Any waters or wastes containing pollutants including oxygen demanding pollutants (BOD, etc.) or total suspended solids (TSS), toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;
 - (3) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders;
 - (5) Batch cooking oils, fish scales, fish heads and viscera, fish carcasses and other solids from fish processing operations which have a mean particle size

of greater than 40-mesh (0.017 in.), and stickwaters from fish meal production processes;

- (6) Any water or waste containing petroleum oil, non-biodegradable cutting oils or product of mineral oil or synthetic oil origin in concentrations greater than twenty-five (25) milligrams per liter or in such amounts as to cause pass through or interference;
 - (7) Any water or waste from commercial or industrial plants or restaurants containing more than one hundred (100) milligrams per liter of oils, fat, or grease;
 - (8) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
 - (9) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirements, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials;
 - (10) Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;
 - (11) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ (three fourths) horsepower or greater shall be subject to the review and approval of the director. Garbage grinders may not be used to reduce solids in fish process waste streams prior to discharge to the city's sanitary sewer.
 - (12) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), at a flow rate and/or pollutant concentration which either singly, or in combination with other discharges, will cause pass through at the wastewater treatment facility.
- (e) *Options of director.* If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d), and which may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge;
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (k). If the city engineer or director require the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director, and subject to the requirements of all applicable codes, ordinances and laws.

These provisions notwithstanding, the director may take enforcement action against any sewer user discharging wastewater containing substances or possessing characteristics as listed in subsection (d) above.

- (f) *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided when in the opinion of the director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owners thereof shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal which are subject to review by the city engineer. Any removal and hauling of the collected materials not performed by such owners personnel must be performed by waste disposal firms possessing valid licenses issued by the board of health, and such firms must notify the owners of the means and site location of disposal of the collected materials.
- (g) *Preliminary treatment.* Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (h) *Control structure.* When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilities observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (i) *Measurements, tests, analyses.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the procedures described in 40 CFR Part 136. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval of the city engineer.
- (j) *Special agreements.* Notwithstanding any provision of this section, the city and any user may reach agreement allowing the discharge of any water or waste of a character otherwise regulated by this section to be accepted for treatment by the city in return for payment by the user for such treatment. In no case will a special agreement waive compliance with a federal pretreatment standard or requirement. However, categorical standards may be adjusted by EPA, upon the request of the industrial user, in accordance with the provisions of 40 CFR 403.15 or 40 CFR 403.13.
- (k) *Information may be required.* The director may require any user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period;
 - (2) Chemical analyses of wastewater;
 - (3) Information on raw materials, processes and products affecting wastewater volume and quality;
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - (5) Plot plans of sewers and appurtenances located within the user's property showing sewer and pretreatment facility location;
 - (6) Details of wastewater pretreatment facilities;
 - (7) Details of systems to prevent and control the losses of materials through spills or slug losses to the city's sanitary sewers.
- (l) *Trucked/hailed waste.* Discharge to the sewer of trucked or hauled wastes is prohibited except at discharge points designated by the city.

APPENDIX A-1
STORMWATER MANAGEMENT

Purpose & Intent:

The purpose and intent of stormwater management shall include:

- 1) for quantitative control of stormwater runoff, a system of native specie vegetation and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land and
- 2) for qualitative control of stormwater runoff, a system of native specie vegetation, structural and other measures, that reduce or eliminate pollutants that might otherwise be carried off by surface runoff.

Submission requirements:

A Stormwater Management Plan containing sufficient information for the Planning Board to evaluate the environmental characteristics of the affected area by the proposed subdivision. The Stormwater Management Plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, plans showing construction details of all systems and structures, and citations to supporting references, as appropriate to communicate the information as required by these regulations.

The existing environmental and hydrological conditions of the site and of receiving waters and wetlands shall be described in detail, including, but not limited to the following:

- 1) the direction, flow rate, and volume of surface runoff under existing conditions; the required information shall be based on the 2 year, 10 year, and 100 year storm events for the 24 hour duration, and the duration which coincides with the time concentration of the watershed; the method of calculation shall be TR-55 Rationale Method for drainage areas under 100 acres and TR-55 for drainage areas of 100 acres or more;
- 2) the location of areas of the site where stormwater collects or percolates into the ground;
- 3) a description of all surface watercourses, waterbodies, and wetlands on or entering a site, or into which stormwater flows. Information regarding their water quality and the current water quality classification shall be included;
- 4) depth to seasonal high groundwater levels;
- 5) location of flood plains as per the City of Gloucester Watershed Overlay Protection District and Flood Plain District, Zoning Ordinance and Map on file with the City Clerk's Office;
- 6) principal vegetation types;
- 7) topography described in full contour detail, at 2 foot intervals, with areas of steep slopes (over 10%) highlighted;

Appendix A-1 cont.

8) soils, with an accompanying analysis of the best use potential of the soils and the hydrological group classification; the soils map and use potentials analysis prepared by the U.S. Soil Conservation Service shall be used as the basis for this analysis.

Proposed alteration of the site shall be described in detail, including but not limited to the following:

- 1) changes in topography, described in full contour details at two foot intervals;
- 2) areas where vegetation will be cleared or otherwise altered;
- 3) areas that will be covered with an impervious surface and a description of the surfacing material.

The proposed development layout shall be described in detail, including but not limited to the following:

- 1) the site arrangement, including the location of structures, roadways, parking areas, sewage disposal facilities, and undisturbed lands;
- 2) all drainage systems to be provided, including the location and design of roadway and individual lot subdrains; full drainage calculations shall be included, with a 2 year, 10 year, and 100 year storms used as the basis of design;
- 3) the method of calculation shall be the TR-55 or Rational Method for drainage areas under 100 acres and TR-55 for drainage areas of 100 acres or more.

Predicted impacts of the proposed development on existing conditions shall be described in detail, including:

- 1) changes in water quality, included but not necessarily limited to ground and surface water;
- 2) changes in groundwater levels;
- 3) changes in the incidence and duration of flooding on the site and upstream and downstream from it;
- 4) adverse impacts on wetlands;
- 5) impacts on vegetation.

All components of the drainage system and any measures for the detention, retention, or infiltration of water, or for the protection of water quality shall be described in detail, including:

- 1) the channel, direction, volume, and rate of the flow, and quality of storm water that will be conveyed from the site, with a comparison to existing conditions, and to the extent practicable, pre-development conditions;
- 2) detention and retention areas and devices including:
 - a. plans for the discharge of contained waters, including the time to draw down from full condition, description of outlet structures;

Appendix A-1 cont.

- b. maintenance plans; including maintenance schedule, an outline of responsible parties and owners, and all pertinent agreements to be executed to insure proper maintenance;
- c. an evaluation of the pollutant removal efficiency of such devices under existing conditions;

3) areas of the site to be used or reserved for percolation including the depth to seasonal high groundwater table, and prediction of the impact on groundwater quality;

4) areas to be utilized in overland flow, the hydrological soil type of such areas, vegetation present, and the soil susceptibility to erosion;

5) any other information which the applicant or the Planning Board believes is necessary for an evaluation of the development.

Nitrogen and/or Phosphorus Loading Report:

For review of water quality impact, an applicant shall submit calculations of anticipated nitrogen and/or phosphorus contributions from roads, lawns, and septic systems. Applicant must determine the "carrying load" or ability to absorb nitrogen and phosphorus loading of all receiving water system on site.

Performance Standards

Stormwater Management Plans submitted must demonstrate that the proposed development or activity has been planned and designed and will be constructed and maintained to meet each of the following standards:

- 1) ensure that after development, runoff from the site or activity approximates the rate of flow, velocity, volume, and timing of runoff that would have occurred following the same rainfall conditions under pre-development conditions;
- 2) maintain the natural hydrodynamic characteristics of the watershed;
- 3) protect or improve the quality of surface and ground waters;
- 4) protect, maintain, or improve water quality or existing water quality standards for all receiving waters, water courses, and water bodies;
- 5) protect and maintain groundwater levels;
- 6) protect the beneficial function of wetlands as areas for the natural storage of flood waters, the chemical reduction and assimilation of pollutants, and wildlife and fisheries habitat;
- 7) prevent increased flooding and damage that results from improper location, construction, and design of structures;
- 8) prevent reverse salt water intrusion;
- 9) protect the natural fluctuating levels of salinity in estuarine areas;

Appendix A-1 cont.

- 10) minimize alteration to flora and fauna and adverse impacts to fish and wildlife to habitat;
- 11) prevent the release of volatile hydrocarbons organic compounds
- 12) otherwise further the objectives of the Stormwater Management Policies and Regulations.

Design Standards:

The design, construction, and maintenance of stormwater systems will be consistent with the following:

- 1) Discharging runoff directly into rivers, streams, watercourses, or enlarging the volume, rate, or further degrading the quality of existing discharges/runoff is prohibited. Runoff shall be routed through vegetated swales, using native species and other structural and nonstructural systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants; such systems will utilize overland flow and reinfiltration as priority techniques for the treatment of runoff.
- 2) Retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat the increased and accelerated runoff which the development generates.
- 3) There shall be a minimum of two feet of naturally occurring soils between the detention basin bottom and the seasonal high groundwater table.
- 4) Water shall be released from detention ponds at a rate and in a manner approximating the natural conditions which would have occurred before development, incorporating the following standards:
 - a. Peak flow discharges from a 1 year, 2 year, and 100 year storm shall not be increased or decreased by the development or activity;
 - b. Ponds shall not be placed where their use poses concerns of groundwater contamination through the recharging of pollutants from surface runoff;
 - c. Retention ponds shall have a minimum containment time of 36 hours, a minimum sump depth of 3 feet, and whenever possible utilize permeable sides and/or bottoms so as to minimize outflow;
 - d. Outflow from structural devices shall have flow proceed to native vegetated areas or native vegetated swales when discharging in proximity to water courses, wetland, and the estuary; such areas utilized for sheet flow should have hydraulic and vegetative characteristics adequate to insure that stormwater reaching the watercourse, wetland, or estuary does so in a manner at pre-development or existing conditions;
- 5) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized, or

Appendix A-1 cont.

otherwise altered.

6) Water shall be retained or detained before it enters any natural watercourse in order to preserve the natural hydrodynamics of the watercourse and to prevent siltation or other pollution.

7) Intermittent watercourses such as swales, should be vegetated;

8) The first one inch of runoff from impervious surfaces, such as rooftops and paved surfaces, shall be treated and re-infiltrated in the site of the development and the Applicant shall quantify first one inch of runoff, and specify how treatment and re-infiltration will be accomplished;

9) Runoff from parking lots and roads shall be treated to remove oil and sediment;

10) The use of drainage facilities and vegetated buffer zones as open space and conservation areas shall be encouraged;

11) Neighboring properties shall not be adversely effected by flooding from excessive runoff.

General Requirements

Monitoring well will be installed at the outlet of the retention/detention basin to ensure that no chemical de-icers, fertilizers or pesticides (other than fertilizer contained in the seed mixture) are being used. A baseline sample will be taken prior to construction of the retention basin and semiannually thereafter until such time as a Certificate of Compliance is issued.

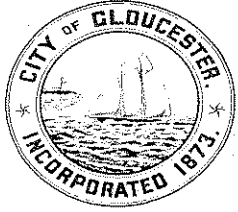
Sedimentation must be excavated at least semi-annually from the pond and after every major storm event of two inches or more over any 24 hour period. Any vegetation uprooted by sedimentation removal must be replaced.

Applicant shall submit an Operation and Maintenance Manual for retention and detention ponds and related stormwater facilities. Said Manual shall address basin identification, final inspection, operation, inspection and maintenance, checklist, as-built plans, and City acceptance. Sample copies may be obtained from the Planning Board.

The applicant/developer shall secure future maintenance of the stormwater system by a proper bond or by deposit of money of an amount as determined by the Planning Board and Conservation Commission. Such bond or deposit must be secured to satisfaction of the Board and Commission prior to release of any lots within the development and prior to receipt of any permits.

In the event that the developer does not follow maintenance procedures and programs as approved by the Board, the Board shall have authority to expend any portion of said bond or deposit to provide such maintenance.

In the event that the stormwater system is accepted by the City and therefore the City assumes the ownership of said system, any remaining portion of this bond or deposit will be refunded to the developer or homeowner's association.



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-061
Councillor	Jackie Hardy

DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	O&A
FOR COUNCIL VOTE:	

Ordered that the City Council enact an ordinance as required by Chapter 217 of the Acts of 2010 to "An act establishing a linkage exaction program in the City of Gloucester".

And further

Ordered that this matter be referred to the Ordinances and Administration Committee and General Counsel for proper language, which follows the requirements of Chapter 217 of the Acts of 2010.

Councillor Jackie Hardy

Chapter 217 of the Acts of 2010

AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM IN THE CITY OF GLOUCESTER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) The city of Gloucester may, by ordinance, require the payment of a linkage exaction fee as a condition of approval of a development impact project plan, as defined by the ordinance, for any future development within the scope of this act. The linkage exaction fee shall only be imposed on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-residential and residential projects that require zoning relief or exceed a threshold which shall be established by the city council. The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

(b) The linkage exaction ordinance may be enacted if the following criteria are met:

(1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, and office, commercial and industrial structures and their impact on the following services including, but not limited to, school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety facilities, and parks, playgrounds and other recreational facilities.

(2) The city shall develop and prepare a study for any project for which a linkage exaction fee is levied that examines the proposed project and projects the cost of capital improvements necessary to accommodate the project. Any exaction fee which may be established pursuant to this act shall be set in accordance with the methodology set forth in the study.

(3) The exaction fee shall be established on the basis of the cost projections in the capital improvement plans and study as described in paragraph (2) of subsection (b) and the expected level of allowed development pursuant to the city's zoning ordinance, as it may be amended.

(4) The city shall have the authority to create distinct and separate revolving trust accounts for each linkage ordinance enacted by the city for the services delineated in paragraph (1) of this subsection for necessary improvements resulting from future development. An exaction shall not be paid to the city's general treasury or used as general revenues subject to section 53 of chapter 44 of the General Laws.

(5) The level of any exaction fee shall be reviewed at least every 3 years and reset as required based upon the recommendation of the office of community development and the mayor of the city.

(6) Any funds not expended or encumbered by the end of the calendar quarter immediately following 6 years from the date the exaction fee was paid shall, upon application of the applicant or his assigns, be returned to such landowner with interest from the fee's deposit in an interest bearing account; provided, however, that the applicant or his assigns submits an application for a refund to the office of community development within 180 days of the expiration of the 6 year period.

SECTION 2. This act shall take effect upon its passage.

Approved August 4, 2010

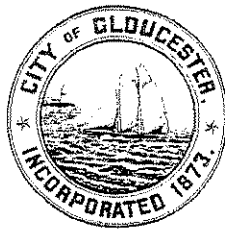
Return to:

List of Laws passed in 2010 Session

General Court home page, or

Commonwealth of Massachusetts home page.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TEL 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

September 21, 2010

Ms. Patricia Amaral
14 Myrtle Square
Gloucester, MA 01930

Dear Patti:


I am pleased to appoint you to the **Open Space Committee** to fill the vacancy created by the resignation of Kathy Leahy. Your term will expire on February 14, 2012. I have issued you a 90-day temporary appointment which will enable you to attend and vote at meetings.

Your appointment will be forwarded to the City Council for their September 28, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee at that time. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Thank you for agreeing to serve on the Open Space Committee. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,



Carolyn A. Kirk
Mayor

Enclosure

cc: Mayor's Report to City Council
Sarah Garcia, Community Development Director
CAK/c

RECEIVED

SEP 14 2010

September 10, 2010

Mayor's Office

Dear Mayor Kirk,

I am writing to you today to apply for a position on the Open Space and Recreation Advisory Committee. I have been sitting in on the meetings for some time now and feel that my experience as the Chairperson on the Clean City Commission and my activism working to save the "Emerald Forest" can work towards some of the goals set forward in the O.S.R. plan. I am an active participant using many of the wonderful open space and recreation places in our city.

I am currently working to make Matto's field a place that can be used for years to come for the Women's Softball League which I am a player on the team "Two Sisters". I would like to work with the city fixing Burnham's field which at this time is in dire need of three basketball hoops and nets, swings, mulch for the play area and a proper weed wacking and litter cleanup.

On the Clean City Commission the Carry in Carry out Program was implemented which I am still a local voice. The "Clean Team" giving local teens a job cleaning our city was first implemented with the wonderful work of Tony Corrao and the Compass program then the Y.M.C.A was formed. I have found that the volunteers that are on the O.S.R.C. are hard working people working towards the goals of the plan.

I am currently doing volunteer work as the Clean City Initiative in which my husband and I put together to clean our beautiful city. Each year we organize an Earth Day cleanup event at Stage Fort Park, this year we asked for donations for the Food Pantry. Annually we participate in a Coast Sweep event at Plum Cove Beach in memory of my friend Laura Evans. Several times a year, I work with the courts monitoring offenders needing community service; I have them cleaning the city.

I have a small active role through volunteer work with the city and I would like to join the committee to increase my contribution in making Gloucester a better place for all.

Thank you for your consideration.

Patti Amaral
Clean City Initiative
978-412-4201

EFFECTIVE SEPTEMBER 21, 2010

The City of Gloucester, Massachusetts

Dear Patricia Amaral, 14 Myrtle Square, Gloucester, MA 01930
It is my pleasure to inform you that I have this day appointed you

to the OPEN SPACE COMMITTEE _____ of the City of
Gloucester, Massachusetts _____

This is a 90 day temporary appointment. After City Council
approval, term to expire 2/14/2012. (Filling remainder of
term created by resignation of K. Leahy)
Respectfully,

Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2009-183

The Gloucester City Council, at a Special City Council meeting held on, **TUESDAY, AUGUST 25, 2009** at 7:00 p.m. in Fred J. Kyrouz Auditorium, City Hall, voted to approve the following action:

IN CITY COUNCIL:

MOTION: On motion of Councilor Foote, seconded by Councilor Devlin, the City Council voted 8 **IN FAVOR** 0 **OPPOSED** to **AMEND** Chapter 2 "Administration" by **ADDING** "Open Space and Recreation Advisory Committee" Sections 2-517 through 2-520 as follows:

Be it enacted by the City Council assembled and by the authority of same as follows:

Section 2- 517 – Establishment; composition; appointment and terms of members

There is hereby established an Open Space and Recreation Committee which is created to formulate and implement an Open Space and Recreation Plan (OSRP) for the City of Gloucester. The Open Space and Recreation Committee will assist the city in its future actions with regard to open space parcels within the city. The committee shall consist of seven (7) members who shall be appointed by the Mayor from the residents of the city and confirmed by the City Council. The members shall serve for three-year staggered terms beginning on the date of appointment and ending on February 14 as required by City Charter.

Section 2 – 518 Purpose

The Committee shall create and implement an OSRP which shall:

- a. Ensure the existence, smart use and access to open space in perpetuity.
- b. Ensure that contiguous areas and functions and values that depend on them are maintained
- c. Propose a process for agreements with abutters with shared use/conservation interests for enhancing open space.
- d. Recommend planned city growth and business development in a way that fully contemplates and strives to maintain the functions, values, uses and vision for open space in Gloucester.
- e. Establish a criteria and process for ceding open space to development or dedicated use
- f. Promote awareness and use of open spaces through a descriptive inventory of open spaces.

Section 2 - 519 Process

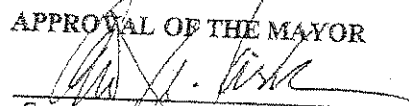
The former open space plans shall be used to create the plan which shall be submitted to the Commonwealth.

Section 2-520 Authorities and Responsibilities

- a. The Open Space and Recreation Committee shall act as an advisory committee to the Mayor, City Council, municipal boards, and the general public on matters concerning open space and recreation and shall have no budgetary powers.
- b. A majority of appointed members serving on the committee shall constitute a quorum and no meeting shall be continued without a quorum being present, unless a subcommittee has been established.
- c. The committee shall submit a summary of its activity and its progress on semiannually basis in the months of September and April.
- d. The Open Space and Recreation Committee may promote ad-hoc committees to develop stewardship for public open spaces. Such activities shall be coordinated with the Parks Department and Conservation Commission.

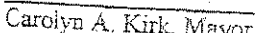

Joanne M. Senos, Interim City Clerk

APPROVAL OF THE MAYOR


Carolyn A. Kirk, Mayor

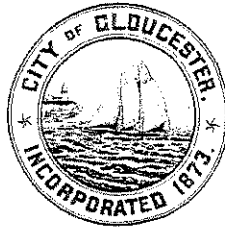
SIGNED THIS 13 DAY OF Aug, 2009

VETOED BY THE MAYOR


Carolyn A. Kirk, Mayor

*All Ordinances shall become effective 31 days after passage except:
Emergency Orders shall become Effective Next Day
Zoning Changes shall be Effective Next Day.*

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TEL 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

September 21, 2010

Mr. Michael Nimon
20 Myrtle Square
Gloucester, MA 01930

Dear Mr. Nimon:

Thank you for your service as an alternate member on the City of Gloucester's **Zoning Board of Appeals**. I am pleased to appoint you as a full member of the Zoning Board of Appeals. Said appointment is being made to fill the vacancy created by the resignation of Steve Reynolds. Your term will expire on February 14, 2012.

Your appointment will be forwarded to the City Council for their September 28, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee at that time. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Again, thank you for your service as a member of the Zoning Board of Appeals. I truly appreciate the hard work and dedication you and your colleagues on this important board offer on behalf of the City of Gloucester.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure

cc: Mayor's Report to City Council
William Sanborn, Building Inspector
J. Movalli, Chair-Zoning Board of Appeals

CAK/c

EFFECTIVE SEPTEMBER 21, 2010

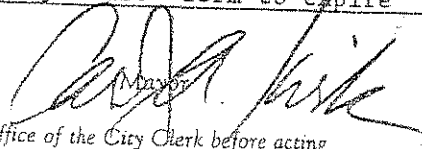
The City of Gloucester, Massachusetts

Dear Michael Nimon, 20 Myrtle Square, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
as a full member of the ZONING BOARD OF APPEALS of the City of
Gloucester, Massachusetts.

This appointment is being made to fill the unexpired term
created by resignation of S. Reynolds. Term to expire
2/14/2011.

Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

1.4 ORGANIZATION AND ADMINISTRATION OF THE ZONING BOARD OF APPEALS

1.4.1 Membership

In accordance with MGL Chapter 40A there shall be a Zoning Board of Appeals, which shall consist of five members and two associate members, all of whom shall be residents of the City of Gloucester and who shall be appointed by the Mayor, subject to confirmation by the City Council. Each member and associate member shall have been a resident of the City of Gloucester for at least three years prior to his or her appointment to the board. Members shall be appointed for a term of three years; associate members shall be appointed for a term of two years. Members and associate members may be reappointed to successive terms. Vacancies on the board shall be filled in the same manner as other appointments, except that any member or associate member appointed to fill the unexpired term of a member or associate member who has resigned or who otherwise is no longer on the board shall serve only for the duration of said unexpired term, following which such member or associate member shall be eligible for reappointment as specified herein.

1.4.2 Duties of Associate Members

The chairperson of the Zoning Board of Appeals shall designate one of the board's associate members to act as a member of the board in the case of the absence, inability to act or conflict of interest of another member. The chairperson shall designate an associate member to act as a member in the event of a vacancy on the board, until said vacancy is filled.

1.4.3 Quorum

A quorum of the Zoning Board of Appeals shall consist of four members and associate members. No more than five members and associate members shall vote on any matter before the board. No member or associate member may vote on a matter before the board unless he or she has attended all board hearings at which evidence was presented on said matter. Provided, however, that a board member shall not be disqualified from voting on the matter solely due to that member's absence from a single session of the hearing at which testimony or other evidence was received. Before any such vote, the member shall certify in writing that he or she has examined all testimony or other evidence received at the missed session, by review of an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing in accordance, with MGL Chapter 39 Sec 23D.

1.4.4 Conflict of Interest

No member or associate member of the Zoning Board of Appeals shall appear before the board on behalf of any party in any matter pending before it.

1.4.5 Officers

The members of the Zoning Board of Appeals shall annually elect one member as chairperson, who shall preside at all meetings. The members shall also elect a vice chairperson to act in the absence of the chairperson, and a secretary, and shall prescribe rules for the conduct of board affairs.

1.4.6 Removal for Cause

A member or associate member of the Zoning Board of Appeals may be removed by the Mayor, but only for cause, and only after written charges have been filed and a public hearing held.

1.4.7 Minutes

The Zoning Board of Appeals shall keep minutes of its meetings, which shall show the vote of each member upon each question. All such minutes shall be public records, and shall be filed with the City Clerk.